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11 Attorneys for Defendant KINDRED
12 HEALTHCARE OPERATING, INC.

13 UNITED STATES DISTRICT COURT

14 CENTRAL DISTRICT OF CALIFORNIA

15 TINAMARIE FATIAH AL-NAJJAR,
16 on behalf of herself and all others
similarly situated,

17 Plaintiff,

18 v.

19 KINDRED HEALTHCARE
20 OPERATING, INC., a Delaware
corporation; and DOES 1 through 10,
21 Inclusive,

22 Defendants.

Case No. 2:17-cv-06166-PSG-FFM

**~~PROPOSED~~ STIPULATED
PROTECTIVE ORDER
REGARDING NOTICE TO
PUTATIVE CLASS**

Trial Date: None Set
Complaint Filed: June 23, 2017

23 Plaintiff TinaMarie Fatiah Al-Najjar (“Plaintiff”) and Defendant Kindred
24 Healthcare Operating, Inc. (“Defendant”) (collectively, the “Parties”), through their
25 counsel of record, hereby stipulate as follows:

26 WHEREAS, Plaintiff filed a class-action complaint (“Complaint”) in Los
27 Angeles Superior Court on June 23, 2017, and Defendant answered the Complaint
28

1 on August 17, 2017. (Dkt. No. 1, Exs. A, C.);

2 WHEREAS, Defendant removed the case to this Court on August 18, 2017.
3 (Dkt. No. 1.);

4 WHEREAS, under Central District Local Rule 23-3, all motions for
5 certification must be filed within 90 days of commencement, unless otherwise
6 ordered by the Court;

7 WHEREAS, Plaintiff has requested and Defendant has declined to stipulate to
8 relieve Plaintiff from Local Rule 23-3.

9 WHEREAS, the Parties have met and conferred regarding the notice process
10 to obtain the name and last known home address and telephone number for putative
11 class members.

12 Therefore, given the short deadline imposed by Local Rule 23-3, instead of
13 the opt-out process under *Belaire-West Landscape, Inc. v. Superior Court*, 149 Cal.
14 App. 4th 554 (2007), the Parties choose to follow the notice process sanctioned by
15 this Court in *York v. Starbucks Corp.*, 2009 U.S. Dist. LEXIS 92274, *4-5, 2009 WL
16 3177605 (C.D. Cal. June 30, 2009), and stipulate as follows:

17 (1) The protections of this Stipulation and Order are in addition to the
18 general protections the Parties agreed to under the Parties' Stipulated Protective Order
19 and Clawback Agreement, filed with this Court on September 26 ("Protective Order").
20 [Dkt No.13.]

21 (2) Contact information for the putative class is protected by the employees'
22 right to privacy, and it shall be designated as "CONFIDENTIAL" as defined by
23 Section 2.2 of the Parties' Protective Order [Dkt No. 13] before being produced to
24 Plaintiff's Counsel.

25 (3) At the outset of Plaintiff Counsel's first contact with each employee,
26 Plaintiff's Counsel will inform each employee that the employee has the right not to
27 talk with Plaintiff's Counsel.

28 (4) Plaintiff's Counsel will also inform each employee that his or her refusal

1 to speak with counsel will not prejudice his or her rights as a class member should the
2 Court certify the class.

3 (5) If any employee elects not to talk to Plaintiff's Counsel, Plaintiff Counsel
4 will terminate the contact and not contact him or her again unless required by Court
5 Order.

6 (6) Plaintiff's Counsel will keep a list of all employees who make it known
7 that they do not want to be contacted and preserve that list for the Court.

8 (7) The contact information will be used only for the purposes of this action,
9 and it will not be disseminated to anyone who is not necessary to the prosecution of
10 this case.

11 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

12 Dated: September 27, 2017

13 /s/ James DeSario
14 MICHAEL NOURMAND
15 JAMES A. DE SARIO
THE NOURMAND LAW FIRM, APC
Attorneys for Plaintiff

16 I attest that all other signatures listed, and on whose behalf the filing is submitted,
17 concur in the filings content and have authorized the filing as required under Local
Rule 5-4.3.4(a)(2)(i).

18 Dated: September 27, 2017

19 /s/ Alison Cubre
20 MICHAEL E. BREWER
21 BILLIE D. WENTER
22 ALISON J. CUBRE
23 LISA LIN GARCIA
Littler Mendelson, P.C.
Attorneys for Defendant
KINDRED HEALTHCARE
OPERATING,
INC.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25
26 DATED: October 6, 2017

27 FREDERICK F. MUMM
28 Honorable Frederick F. Mumm
United States Magistrate Judge

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